

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4
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6 *****

7 IN RE:

8 NATIONAL PRESCRIPTION OPIATE MDL No. 2804
9 LITIGATION Case No. 17-md-2804
 Hon. Dan A. Polster

 This document relates to:

10

 All cases

11

12

13 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
14 CONFIDENTIALITY REVIEW

15 VIDEOTAPED DEPOSITION OF:

16 AMY PROPATIER

17 MOTLEY RICE

18 55 Cedar Street

19 Providence, Rhode Island

20 November 29, 2018 9:15 a.m.

21

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1 THE VIDEOGRAPHER: We are now on
2 the record. My name is Robert Martignetti.
3 I'm a videographer for Golkow Litigation
4 Services. Today's date is November 29, 2018
5 and the time is 9:15 a.m. This is this video
6 deposition is being held in Providence, Rhode
7 Island. In re: National Prescription Opiate
8 Litigation. The deponent is Amy Propatier.
9 Counsel will be noted on the stenographic
10 record. The court reporter is Darlene Coppola
11 and will now swear in the witness.

12
13 AMY PROPATIER,
14 witness, having first been
15 satisfactorily identified and duly sworn,
16 testifies and states as follows:

17
18 DIRECT EXAMINATION

19 BY MR. BAKER:

20 Q. Good morning. My name's William
21 Baker. Today's date is November 29, 2018 and
22 we are here with Ms. Amy Propatier; is that
23 correct?

24 A. Propatier.

1 Q. Propatier. Could you please tell us
2 who your employer is?

3 A. CVS Pharmacy.

4 Q. How long have you been employed with
5 CVS Pharmacy?

6 A. Since May of 1999.

7 Q. What was your position when you first
8 came onboard in May of 1999?

9 A. I was the customer service rep for
10 store services.

11 Q. Was that in retail?

12 A. It was at the corporate office, yes,
13 for retail stores.

14 Q. Did that include pharmaceutical
15 products?

16 A. No.

17 Q. When did you change positions?

18 A. I changed positions in 2003 to
19 transportation and in 2005 that position moved
20 to logistics planning where I started getting
21 involved in pharmaceuticals.

22 Q. What is was your job in
23 pharmaceuticals in 2005?

24 A. 2005, I was called a logistics liaison

1 for the distribution centers, so I was support
2 between the distribution centers and the
3 corporate office, just helping them contact
4 people in the corporate office for support for
5 store ordering, standard operating procedures.

6 Q. Where did you move to in 2006?

7 A. In 2006?

8 Q. What was your position in 2006?

9 A. Oh, it was still -- it was called
10 hazardous material and logistics liaison.

11 Q. What did you do in 2007?

12 A. The same position.

13 Q. What did you do in 2008?

14 A. My position changed to logistics Rx
15 services manager.

16 Q. What is an Rx services manager?

17 A. It was a similar position. I was a
18 liaison between the distribution center and
19 the corporate office. I was doing ARCOS
20 reporting, state drug reporting, SOP
21 consolidation and maintenance, coding
22 hazardous materials that came into the
23 distribution centers.

24 Q. What did you do in 2009?

1 A. The same position.

2 Q. What about 2010?

3 A. Same position.

4 Q. Have you maintained that same position
5 since 2008?

6 A. No. I changed positions in February
7 of 2014.

8 Q. To what?

9 A. A pharmacy inventory manager.

10 Q. So if we were to describe what your
11 position was from 2006 through 2014, begin
12 with 2006, and then tell us what it was.

13 A. My position?

14 Q. Yes, ma'am.

15 A. Oh. I was hazardous materials
16 specialist and logistics liaison.

17 Q. And then in 2008 is when you switched?

18 A. The position evolved, yes, to the
19 logistics Rx services manager.

20 Q. So physically where were you located
21 from 2008 forward?

22 A. One CVS Drive in Woonsocket, Rhode
23 Island.

24 Q. That's near Providence, correct?

1 A. Yes.

2 Q. Are you familiar with the term

3 "narcotics"?

4 A. Yes.

5 Q. Do you agree that opioids are

6 narcotics?

7 A. Yes.

8 Q. Do you agree that hydrocodone and

9 hydrocodone combination products are

10 narcotics?

11 A. Yes.

12 Q. Do you agree that OxyContin is

13 narcotics?

14 A. Yes.

15 Q. Do you agree that a oxymorphone is

16 narcotics?

17 A. Yes.

18 Q. Do you agree that narcotics are drugs

19 that are controlled under the federal law of

20 the Controlled Substances Act?

21 A. Yes.

22 Q. Could you pull up Exhibit No. 2,

23 please?

24

1 (Exhibit No. 2 marked for
2 identification.)

3

4 BY MR. BAKER:

5 Q. And could you highlight Section
6 1301.74B?

7 MR. BUSH: Could you give us the
8 copy?

9 MR. BAKER: I'm sorry, sir.

10 VOICE: If you could read into
11 the record what Exhibit 2 is, that would be
12 much appreciated.

13 MR. BAKER: Okay. Exhibit 2 is
14 a copy of Title 21, Code of Federal
15 Regulation, Part 1301, specifically directing
16 you to Part 1301.74, Subparagraph B.

17 MR. BUSH: This was Exhibit 2;
18 is that correct?

19 MR. BAKER: Yes, yes.

20 BY MR. BAKER:

21 Q. Do you see that?

22 A. Uh-huh.

23 Q. Yes, ma'am?

24 A. Yes.

1 Q. Are you familiar with that?

2 Let me read it to you. It says, "The
3 registrant shall design and operate a system
4 to disclose to the registrant suspicious
5 orders of controlled substances. The
6 registrant shall inform the field division
7 office of the administration in his area of
8 suspicious orders when discovered by the
9 registrant. Suspicious orders include orders
10 of unusual size, orders deviating
11 substantially from a normal pattern, and
12 orders of unusual frequency."

13 Did I read that correctly?

14 A. Yes.

15 Q. Are you familiar with that law?

16 A. Yes.

17 Q. Is that law part of what guides you in
18 your job?

19 A. In my job today?

20 Q. Yes, ma'am, in your job between 2008
21 and 2014.

22 It's a yes or no.

23 A. Yes.

24 Q. Were you guided by that law in your

1 job between 2008 and 2014?

2 A. Yes.

3 Q. Let's go to exhibit -- let's go to
4 Exhibit 1, please.

5

6 (Exhibit No. 1 marked for
7 identification.)

8

9 MR. BAKER: Exhibit 1 is
10 Subchapter 1, Control and Enforcement, Part C,
11 Section 823, of 21 U.S. Code.

12 BY MR. BAKER:

13 Q. Could you highlight, at the bottom,
14 Subsection E, Parentheticals 1 and 2?

15 Let me read this to you. It's titled
16 21 U.S. Code, Section 823, Subsection E,
17 Parenthetical 1 and 2.

18 It says, "The attorney general" --
19 it's talking about distributors of controlled
20 substances in Schedules III, IV, or V.

21 "The attorney general shall register
22 an applicant to distribute controlled
23 substances in Schedule III, IV, V unless he
24 determines that the issuance of such

1 registration is inconsistent with the public
2 interest. In determining the public interest,
3 the following factors shall be considered:
4 No. 1, maintenance of effective controls
5 against diversion of particular controlled
6 substances into other than legitimate medical
7 scientific and industrial channels;
8 Subparagraph 2, compliance with applicable
9 state and local law."

10 Did I read that correctly?

11 A. Yes.

12 Q. Have you seen this law before?

13 A. I can't say that I've read it directly
14 from here, no.

15 Q. Have you been tutored in this law
16 within your job or trained in this law within
17 your job?

18 A. Yes.

19 Q. Between the period of 2008 through
20 2014, who trained you in this law within your
21 job?

22 A. I can't recall a particular person
23 that trained me in this law.

24 Q. Were you guided by this law in your

1 job between 2008 and 2014?

2 A. Yes.

3 Q. Do you agree that you had a duty to
4 follow this law between 2008 and 2014 in your
5 position with CVS?

6 A. Yes.

7 Q. Would you agree that this country has
8 been in the midst of an opioid crisis for the
9 past ten years?

10 A. Yes.

11 Q. Could you pull up Exhibit 3, please?

12

13 (Exhibit No. 3 marked for
14 identification.)

15

16 MR. BAKER: It's composite
17 Exhibit 3. Off record while that's being
18 pulled up.

19 THE VIDEOGRAPHER: The time is
20 9:25 a.m. We're off the record.

21

22 (Recess taken from 9:25 a.m.
23 to 9:28 a.m.)

24

1 THE VIDEOGRAPHER: The time is 9:28

2 a.m. On the record.

3 BY MR. BAKER:

4 Q. Could you pull up Exhibit 3, please?

5 Exhibit 3 is a United States Drug Enforcement

6 Administration Office of Diversion Control

7 chart depicting a bar graph of drug-poisoning

8 deaths involving opioid analgesics or heroin

9 in the United States from 1999 through 2013.

10 Ma'am, my question is have you ever

11 seen this chart before?

12 A. No.

13 Q. Ma'am?

14 A. No.

15 Q. As part of your job, you are

16 responsible for DEA compliance of CVS with

17 respect to their suspicious order monitoring

18 programming; am I correct?

19 A. No.

20 Q. As part of your job, what do you do to

21 reference the DEA website, if anything?

22 A. I didn't need to reference the website

23 for my job.

24 Q. Let me ask you, are you familiar with

1 who the DEA is?

2 A. Yes.

3 Q. Okay. That's the Drug Enforcement

4 Administration, which is an arm of the

5 Department of Justice of the United States.

6 You understand that, correct?

7 A. Yes.

8 Q. And you understand that the DEA is who

9 CVS would report suspicious orders to in the

10 event that their suspicious order monitoring

11 program showed a suspicious order to exist?

12 A. Yes.

13 Q. And do you do that as part of your

14 job? Do you help do that?

15 A. No.

16 Q. Are you familiar with the statistics

17 depicted in this chart that I'm showing in

18 front of you? Do you see the statistics

19 there?

20 A. Yes.

21 Q. Are you familiar with those

22 statistics?

23 A. Familiar as in knowing them offhand,

24 no.

1 Q. Are you familiar with them in general
2 knowing that there has been a steady increase
3 in the number of thousands of deaths that have
4 occurred as a result of drug-poisoning deaths
5 involving opioid and analgesics or heroin in
6 the United States from 1999 to 2013?

7 A. No.

8 Q. You didn't know that?

9 A. Not these numbers, no.

10 Q. But you knew in general that --

11 A. Oh, in general --

12 Q. That there was --

13 A. -- yes.

14 Q. You knew in general that there was an
15 increase in the thousands of drug-poisoning
16 deaths involving opioid analgesics or heroin
17 in the United States from 1999 to 2013,
18 correct?

19 A. Yes.

20 Q. And you see that that number reached,
21 from 1999, a figure of 4,000 all the way up to
22 16.9 thousand in 2011 and it stayed at about
23 that 16,000 level all the way through 2013
24 and -- 2012 and 2013. Do you see that?

1 A. Yes.

2 Q. Do you see what that comparison is to
3 the deaths of heroin?

4 A. Yes.

5 Q. For instance, in 2013, heroin deaths
6 accounted for 8.3 million deaths whereas
7 opioid analgesic deaths were at 16.2 million,
8 correct?

9 A. Yes.

10 MR. BUSH: Objection.

11 BY MR. BAKER:

12 Q. Is that what the chart indicates?

13 A. Yes.

14 Q. Does the chart indicate, according to
15 DEA statistics, that there were 8.3 million
16 heroin deaths in the year 2013 and 16.2
17 million opioid analgesics deaths? Does the
18 chart indicate that?

19 A. No. It says thousands.

20 Q. 8.3 thousand, I'm sorry. And 16.2
21 thousand opioid deaths?

22 A. Yes.

23 Q. Is that correct?

24 A. (Witness nodding.)

1 Q. That's all part of your knowledge of
2 the fact there's an opioid epidemic in the
3 United States that's been going on for over
4 ten years; is that correct?

5 MR. BUSH: Objection.

6 BY MR. BAKER:

7 Q. Is that correct, ma'am?

8 A. Can you say that again?

9 Q. This helps with your knowledge of the
10 fact that there's been an opioid epidemic in
11 the United States for at least the past ten
12 years?

13 MR. BUSH: Objection.

14 MR. BAKER: I'll withdraw the
15 question.

16 BY MR. BAKER:

17 Q. Could you move on to the next chart,
18 please? Go to the U.S. rate of opioid
19 overdose death sales and treatment admissions
20 from 1999 to 2010.

21 MR. BUSH: Hold on, could you
22 show me that chart because this is not in the
23 same order?

24 MR. BAKER: Right here.

1 MR. BUSH: This one?

2 MR. BAKER: This one right here.

3 BY MR. BAKER:

4 Q. Have you ever seen this chart that's
5 published by the United States Drug
6 Enforcement Administration?

7 A. No.

8 Q. I'd like you to look at that chart for
9 the period between 1999 and 2010. And it
10 graphs the correlation between opioid sales,
11 opioid deaths, and opioid treatment
12 admissions; is that correct?

13 A. Yes.

14 Q. Okay. Do you see the top line, opioid
15 sales -- the increase in opioid sales from
16 1999 to 2000. Do you see that, the rate of
17 increase?

18 A. Yes.

19 Q. Okay. And do you see the rate of
20 increase in opioid deaths correlate with that
21 in the red line right below it?

22 A. Yes.

23 MR. BUSH: Objection.

24 BY MR. BAKER:

1 Q. Do you see that, ma'am?

2 A. Yes.

3 Q. Would you agree that those two lines
4 correlate, meaning that the number of opioid
5 sales, as opioid sales have increased over
6 that same period of time, between 1999 and
7 2010, so have opioid deaths correspondingly
8 increased?

9 MR. BUSH: Objection.

10 BY MR. BAKER:

11 Q. Would you agree with that?

12 MR. BUSH: I'm sorry, objection.

13 BY MR. BAKER:

14 Q. Ma'am?

15 A. I can't say I agree.

16 Q. Would you agree that those lines run
17 parallel to each other upward on the graph?

18 MR. BUSH: Objection.

19 BY MR. BAKER:

20 Q. Just look at the red line and look at
21 the green line. Would you agree that those
22 lines --

23 A. Uh-huh.

24 Q. -- correlate and run parallel to each

1 other increasingly between 1999 and 2010; yes
2 or no?

3 MR. BUSH: Objection.

4 BY MR. BAKER:

5 Q. Ma'am?

6 A. Yes, they're parallel.

7 Q. Okay. That would show correlation
8 between those two; is that correct?

9 MR. BUSH: Objection.

10 BY MR. BAKER:

11 Q. Opioid sales and opioid deaths,
12 correct?

13 MR. BUSH: Objection.

14 BY MR. BAKER:

15 Q. Yes?

16 A. I can't say what the correlation is.

17 Q. Would you look at the -- at the next
18 line, opioid treatment admissions? Does that
19 line also run parallel to the lines above it,
20 which is opioid deaths and opioid sales?

21 MR. BUSH: Objection.

22 BY MR. BAKER:

23 Q. Yes or no?

24 A. Yes.

1 Q. Would you agree there's a correlation
2 between opioid treatment, opioid deaths, and
3 opioid sales as depicted by this graph of
4 reporting information through the United
5 States Drug Enforcement Administration?

6 MR. BUSH: Objection.

7 A. I can't say what the correlation is.

8 BY MR. BAKER:

9 Q. You can't say that looking at this
10 graph? Honestly, look at this graph and tell
11 me whether you think you could or couldn't say
12 that.

13 MR. BUSH: Objection.

14 A. I can't say what the correlation is.

15 BY MR. BAKER:

16 Q. Can you say that those lines do
17 correlate?

18 A. I can say the line increased.

19 Q. That they do correlate?

20 MR. BUSH: Objection.

21 A. I can say it increased.

22 BY MR. BAKER:

23 Q. That they increased correspondingly?

24 MR. BUSH: Objection.

1 A. I don't know.

2 BY MR. BAKER:

3 Q. You don't know from looking at this
4 chart? Look at this chart, ma'am. Look at
5 those three lines.

6 A. Yeah.

7 Q. Using common sense, would you say that
8 those three lines run parallel to each other
9 correlate; yes or no?

10 MR. BUSH: Objection.

11 A. I can say they run parallel. I don't
12 know how they correlate. I can't say how they
13 correlate.

14 BY MR. BAKER:

15 Q. Could you pull up the top ten list,
16 please, as the next chart? It's the United
17 States Drug Enforcement Administration top ten
18 list of consumers in kilograms of opioid
19 analgesics.

20 MR. BUSH: Objection. Actually,
21 my objection is I don't really see where it
22 says that.

23 MR. BAKER: Narcotic drugs in
24 grams. We'll just go with narcotic drugs in

1 grams. The source

2 BY MR. BAKER:

3 Q. Let's do it this way. Let's go to
4 this chart right here.

5 Have you ever seen this chart?

6 A. No.

7 Q. Are you familiar with the statistics
8 reported by the United States DEA that the
9 U.S. was the country, in 2012, with the
10 highest consumption of hydrocodone, which is
11 approximately 45.5 tons or 99 percent of
12 global consumption? Were you familiar with
13 that?

14 A. No.

15 Q. Would you agree that this chart
16 indicates that?

17 A. The chart -- yeah.

18 Q. Yes?

19 A. Yes, the statement indicates it.

20 Q. Would you go to the next chart, which
21 is the Ohio -- 2012 Ohio drug overdose deaths
22 chart. Do you see that chart? Do you have
23 that chart in front of you, ma'am?

24 A. Yes.

1 Q. Do you see at the bottom where the
2 source of this information is the Ohio
3 Department of Health Office of Vital
4 Statistics Analysis Conducted by Injury
5 Prevention Program? Do you see that?

6 A. Yes.

7 Q. So this is a publication by the Ohio
8 Department of Health. Are you familiar with
9 the Ohio Department of Health?

10 MR. BUSH: Objection.

11 A. Familiar with it?

12 BY MR. BAKER:

13 Q. Yes, ma'am.

14 A. I've heard of it. I can't say how
15 familiar I am.

16 Q. Do you see what's reported in there?
17 At the top of that chart, it says, "Drug
18 overdose deaths continued to be a public
19 crisis in Ohio with a 366 percent increase in
20 the number of deaths from 2000 to 2012."
21 And it references that chart at the bottom.

22 Do you see it?

23 A. Yes.

24 Q. Do you see there where it says that

1 opioid -- "Opioids, prescription or heroin,
2 remain the driving factor behind the
3 unintentional drug overdose epidemic in Ohio.
4 Approximately two-thirds or 1,272 or 66.5
5 percent of the drug overdoses involved any
6 opioid in 2012 similar to 2011."

7 Do you see that?

8 A. Uh-huh.

9 Q. Is that yes?

10 A. Yes.

11 Q. Is that all part of a crisis that you
12 have been aware of that's been going on in the
13 United States for the past several years?

14 MR. BUSH: Objection.

15 BY MR. BAKER:

16 Q. When I asked you initially in your
17 deposition if you were familiar with the
18 opioid crisis that was going on in the United
19 States for the past ten years, your answer was
20 yes; is that correct?

21 MR. BUSH: Objection.

22 A. Yes.

23 BY MR. BAKER:

24 Q. Okay. Is this part of what you're

1 talking about, the increased opioid deaths in
2 Ohio as depicted in this chart?

3 MR. BUSH: Objection.

4 BY MR. BAKER:

5 Q. Is this what you're talking about?

6 A. I can't say specifically.

7 Q. Can you say generally that's what
8 you're talking about?

9 MR. BUSH: Objection.

10 A. Generally, yes.

11 BY MR. BAKER:

12 Q. Okay. Do you see where it says, right
13 below that, "Prescription opioids are involved
14 in most of the unintentional drug overdoses
15 and have largely driven the rise in deaths
16 over the past decade."

17 Do you see that?

18 A. Yes.

19 Q. Would you agree with that statement?

20 MR. BUSH: Objection.

21 A. I -- I don't have enough information.

22 BY MR. BAKER:

23 Q. Would you disagree with that
24 statement?

1 MR. BUSH: Objection.

2 A. I can't agree or disagree.

3 BY MR. BAKER:

4 Q. Could you pull up the next chart,
5 which is the drug diversion migration out of
6 Florida? Have you seen this chart before?

7 A. No.

8 Q. You have not?

9 A. No.

10 Q. Are you familiar with what's called
11 the opioid express?

12 MR. BUSH: Can I just make a
13 statement, Bill, on the record? This, at
14 least the version of this I'm seeing on the
15 screen and in our copy, is largely
16 illegible.

17 MR. BAKER: This is how it was
18 presented to us in the CVS documentation.

19 MR. BUSH: Okay.

20 MR. BAKER: Okay. So we just
21 have to live with it.

22 MR. BUSH: It does say McKesson
23 at the top. This is a CVS document.

24 MR. BAKER: This is a CVS

1 document. I'll show you, but it is a CVS
2 document.

3 MR. BUSH: Okay. I accept your
4 representation.

5 MR. BAKER: Okay.

6 BY MR. BAKER:

7 Q. Have you seen this document before?

8 A. No.

9 Q. Are you familiar with the Oxy Express?
10 Are you familiar with that?

11 A. No.

12 Q. Are you familiar with the way drugs
13 are diverted out of Florida up through states
14 north of Florida into Ohio?

15 A. No.

16 Q. You're not familiar with that?

17 A. No.

18 Q. Let's move on. Could you pull up
19 Exhibit 103, please. Strike that.

20 Let's pull up Exhibit No. 19, please,
21 and go to page 2.

22 MR. BAKER: We'll mark that as
23 the next number.

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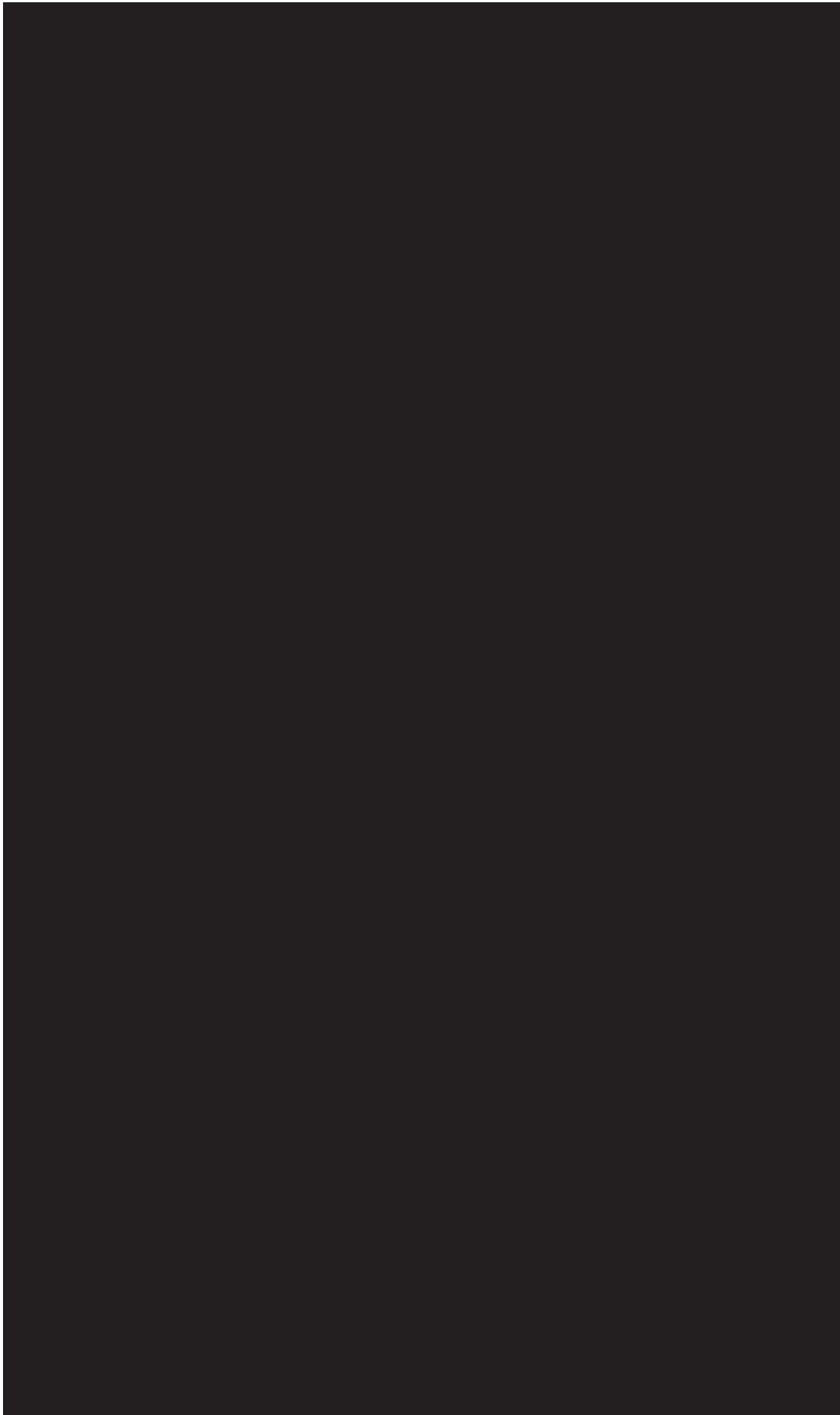
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10 BY MR. BAKER:

11 Q. 2007 would be before you assumed your
12 new position in 2008, correct?

13 A. Yes.

14 Q. And when you assumed your new position
15 in 2008, did you study up on the existence of
16 the opioid epidemic?

17 A. No.

18 Q. You did no study at all on that?

19 A. No.

20 Q. Did you try to do any reading on it?

21 A. No, not that I recall.

22 Q. It just didn't concern you at all?

23 A. I can't recall.

24 Q. Turn to Bates Number 3755 at the

1 bottom. Do you see it?

2 A. Uh-huh.

3 Q. Yes?

4 A. Yes.

5 Q. You see where it talks about the
6 prescription drug abuse is an epidemic in the
7 United States, that prescription drugs cause
8 more deaths than heroin or cocaine combined.

9 Do you see that?

10 A. Yes.

11 Q. At the bottom it says "The U.S.
12 consumes 83 percent of the world's oxycodone
13 and 99 percent of the world's hydrocodone, two
14 highly prescribed opioid drugs for pain."

15 Do you see that?

16 A. Yes.

17 Q. As part of your job, do you know that
18 hydrocodone is a highly prescribed opioid drug
19 for pain?

20 MR. BUSH: Objection.

21 A. No, I don't know that.

22 BY MR. BAKER:

23 Q. You don't know that.

24 Go to Bates Number 3761, all part of

1 Exhibit No. 23. Could you highlight in the
2 first -- every portion that deals with Ohio
3 under oxycodone, hydrocodone, hydromorphone,
4 and oxymorphone?

5 Do you see the report here, that
6 current drug -- prescription drug diversion
7 trends dealing with states with the highest
8 pharmacy dispensing in 2012 shows that
9 oxycodone -- that Ohio is the fifth
10 highest-rated state for oxycodone relative to
11 the states with the highest pharmacy
12 dispensing in 2012? Do you see that?

13 MR. BUSH: Objection.

14 A. Yes, I can see that.

15 BY MR. BAKER:

16 Q. Do you see that this chart indicates
17 that Ohio is the seventh highest state with
18 pharmacy dispensing in 2012 with respect to
19 the drug hydrocodone? Do you see that?

20 MR. BUSH: Objection.

21 A. Yes, I see that.

22 BY MR. BAKER:

23 Q. Do you see in this chart where Ohio is
24 the eighth highest pharmacy dispensing state

1 in 2012 for the drug hydromorphone?

2 MR. BUSH: Objection.

3 A. Yes, I see that.

4 BY MR. BAKER:

5 Q. Do you see that Ohio is the seventh
6 highest pharmacy dispensing state in 2012 for
7 the drug oxymorphone?

8 MR. BUSH: Objection.

9 A. Yes, I see that.

10 BY MR. BAKER:

11 Q. Did you know these statistics before I
12 just showed them to you?

13 A. No, I did not.

14 Q. Do you remember that chart that I
15 showed you about drug diversion migration out
16 of Florida that -- if you go to Bates Number
17 3766. Do you remember that drug migration
18 chart that I showed you just a few minutes ago
19 in a prior exhibit?

20 A. Uh-huh, yes.

21 Q. Yes?

22 A. Yes.

23 Q. Okay. This is where this came from.

24 This is a document -- that's a CVS document,

1 Bates Number 3766, which means that it was
2 produced to us by CVS in this litigation. You
3 understand that?

4 MR. BUSH: Objection.

5 A. Yes.

6 BY MR. BAKER:

7 Q. Okay. Do you see where in this chart
8 it delineates where drugs divert out of
9 Florida, up through Georgia, up through
10 Tennessee, Kentucky, ultimately into Ohio? Do
11 you see that?

12 MR. BUSH: Objection.

13 BY MR. BAKER:

14 Q. Do you see that on that? Is that
15 what's depicted on that chart?

16 A. I see lines, yes.

17 Q. And do you -- have you read about or
18 studied about the drug diversion migration out
19 of Florida as part of your job?

20 A. No.

21 Q. Have you been taught about that as
22 part of your job?

23 A. No.

24 Q. Have you attended DEA conferences on

1 drug diversion?

2 A. No.

3 Q. Your employer does not send you to DEA

4 conferences to learn about drug diversion?

5 A. No.

6 Q. And you've never attended a DEA

7 conference on drug diversion?

8 A. I've been to a DEA conference.

9 Q. Dealing with the topic of drug

10 diversion with respect to opioids?

11 A. I don't recall what the topics were

12 that were discussed.

13 Q. Which DEA conference did you attend,

14 in what year, and what was the name of it?

15 A. I don't recall the name of it. It was

16 in October of 2013.

17 Q. Where was it located?

18 A. Outside Washington, D.C.

19 Q. Was it at the Gaylord hotel?

20 A. Yes.

21 Q. Now, in general, CVS has distribution

22 centers that serve or that supply opioid

23 medications to CVS retail stores; is that

24 correct?

1 A. Yes.

2 Q. And those are narcotic drugs,

3 correct?

4 A. Yes.

5 Q. And the --

6 A. Some.

7 Q. -- the CVS distribution center

8 licensures that you know to exist are for

9 Schedule III through Schedule V drugs; is that

10 correct?

11 A. Yes.

12 Q. And you know that Schedule III drugs,

13 up until October of 2014, included hydrocodone

14 and hydrocodone combination products,

15 correct?

16 A. Yes.

17 Q. And you know that Schedule II drugs,

18 up until October 2014 and continuing, have

19 included OxyContin- and oxymorphone-related

20 drugs?

21 A. I can't say if I specifically know

22 that they were Schedule II.

23 Q. You know that hydrocodone combination

24 products were rescheduled to Schedule II by

1 the FDA October 6 of 2014? Do you know
2 that?

3 MR. BUSH: Objection.

4 A. I didn't know that.

5 BY MR. BAKER:

6 Q. With respect to the distribution
7 centers located in Indianapolis -- you're
8 familiar with that, the Indianapolis
9 distribution center, correct?

10 A. Yes.

11 Q. And you're familiar with the
12 distribution center in Chemung, New York; is
13 that correct?

14 A. Yes.

15 Q. What is your job in the context of
16 having any contact with or review of anything
17 that is shipped to or shipped out of those
18 distribution centers?

19 A. As reviewing shipments?

20 Q. Anything. Do you have any -- does
21 your job have any connection to those two
22 distribution centers whatsoever?

23 A. Not for reviewing shipments, no.

24 Q. What connection does your job have

1 with respect to those two distribution
2 centers?

3 A. My job now or previous?

4 Q. Between 2008 and 2013.

5 A. I was a liaison for the distribution
6 centers, so they would reach out to me when
7 they needed to get assistance as far as being
8 a central point of contact for the corporate
9 office.

10 Q. Are you familiar with whether or not
11 those two distribution centers served the CVS
12 stores that are retail pharmacies in the state
13 of Ohio?

14 A. I can't say off the top of my head if
15 I knew what states they serviced.

16 Q. Let me show you what's marked as
17 Exhibit No. 25.

18
19 (Exhibit No. 25 marked for
20 identification.)

21

22 BY MR. BAKER:

23 Q. It's the Track 1 CVS store
24 information.

1 What I've shown you is a list of CVS
2 pharmacy stores that are located in Ohio.

3 Have you ever seen this list before?

4 A. No, not this list.

5 Q. And you're telling me you don't know
6 one way or the other if the Chemung, New York,
7 distribution center or the Indianapolis
8 distribution center served these Track 1 CVS
9 stores in Ohio? You don't know?

10 A. I don't -- I don't recall which
11 distribution center services which stores.

12 Q. Do they -- do any of the -- did any of
13 those two distribution centers or either of
14 those two distribution centers serve any of
15 these stores on this list?

16 A. I can't say -- I don't recall which
17 distribution center services which stores, off
18 the top of my head.

19 Q. Let's move on. Let's go to the next
20 one.

21 MR. BAKER: Let's take a short
22 break off record.

23 THE VIDEOGRAPHER: The time is
24 10:01 a.m. We're off the record.

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(Recess was taken from 10:01 a.m.

3

to 10:08 a.m.)

4

5

THE VIDEOGRAPHER: The time is

6

10:08 a.m. and we're on the record.

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BY MR. BAKER:

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Q. Do you know that the Controlled

7

Substance Act has been on the books since

8

1971?

9

A. No, I did not know.

10

Q. Did you know that the Controlled

11

Substance Act established the concept of

12

controlled substances, combined narcotics and

13

dangerous drugs? Did you know that?

14

A. No.

15

Q. Is that what that document

16

indicates?

17

A. The document indicates, yes.

18

Q. Did you know that it places

19

enforcement into the Department of Justice of

20

those types of drugs?

21

A. No, I didn't know that.

22

Q. Did you know that there are

23

established quotas with respect to those types

24

of drugs?

1 A. No, I did not know that.

2 Q. Did you know that it provides for a
3 closed system of distribution for those types
4 of drugs?

5 A. I did not know that.

6 Q. Do you know what closed system of
7 distribution even is with respect to narcotic
8 drugs?

9 A. I can't say I know the details, no.

10 Q. So let's move on to the next exhibit,
11 please.

12

13 (Exhibit No. 37 marked for
14 identification.)

15

16 BY MR. BAKER:

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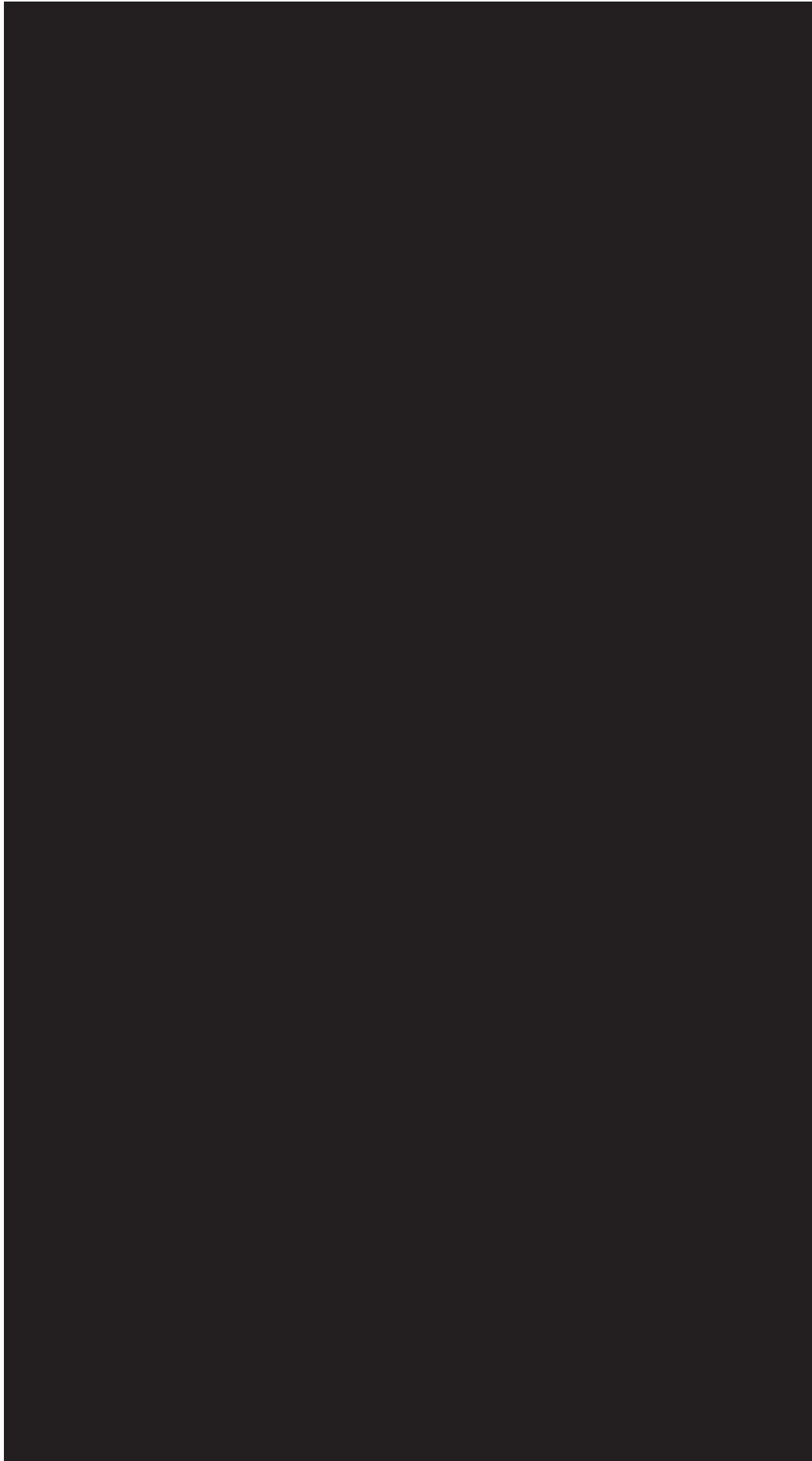
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15 Q. And this document says that "Amy
16 Propatier (CVS DEA compliance coordinator) and
17 Frank Devlin, director of logistics loss
18 prevention." Is that correct?

19 A. Yes.

20 Q. Were you, at the time of this
21 document, the CVS DEA compliance
22 coordinator?

23 MR. BUSH: Well, objection.

24 A. That was a title for reference in

1 SOPs. My title -- my job position title was
2 logistics pharmacy services manager.

3 BY MR. BAKER:

4 Q. Did you ever hold the title of CVS DEA
5 compliance coordinator?

6 A. Yes. As a title for SOP reference,
7 yes.

8 Q. And did you perform duties as a DEA
9 coordinator or not -- DEA compliance
10 coordinator for CVS? Let me repeat the
11 question.

12 Did you perform duties as a CVS DEA
13 compliance coordinator while under the employ
14 of CVS?

15 A. What type of duties? I don't know
16 what you mean.

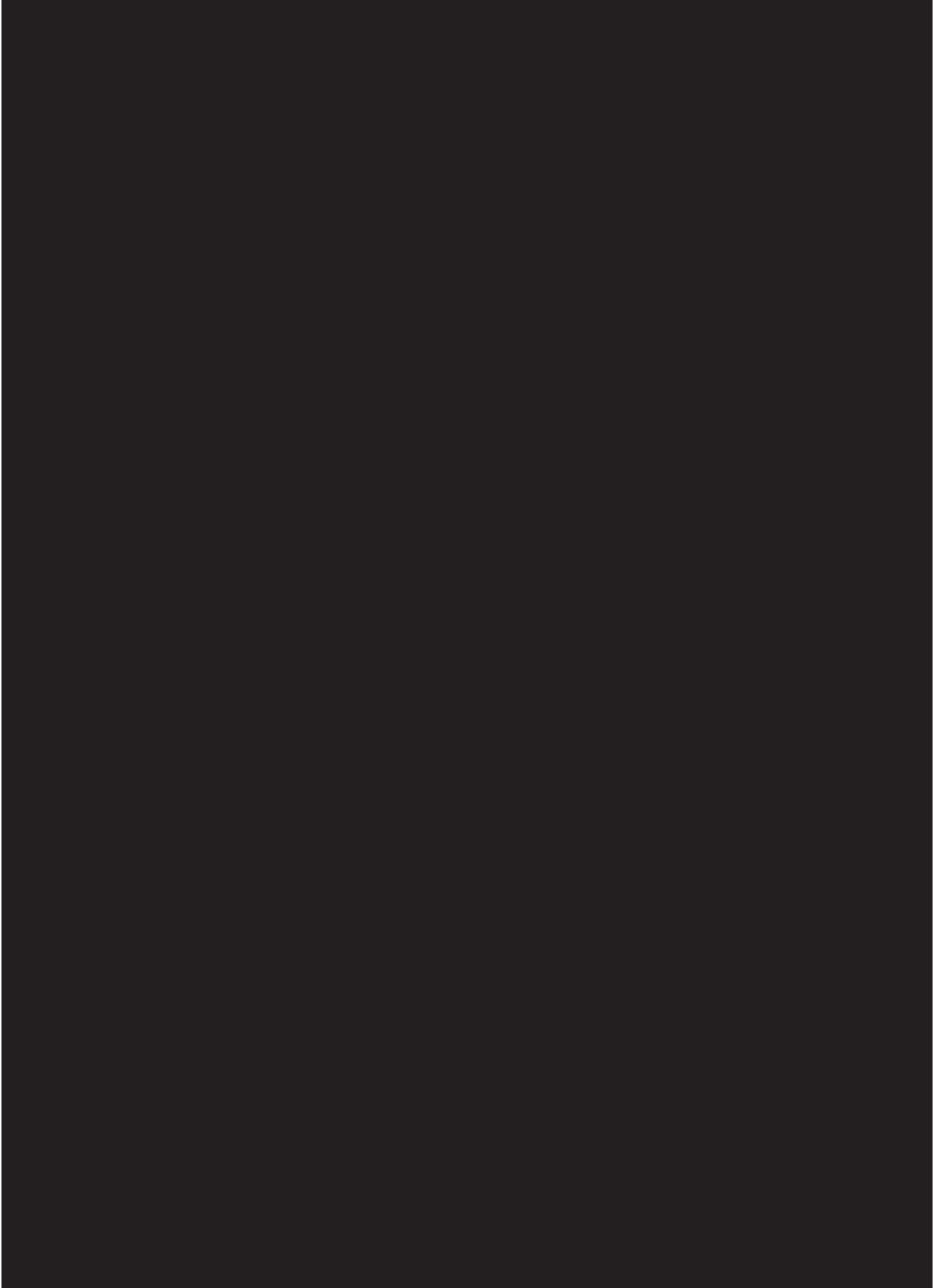
17 Q. Did you perform any type of DEA
18 compliance coordinator duties while under the
19 employ of CVS?

20 A. I submitted ARCOS reporting, yes.

21 Q. Did you have anything at all to do
22 with suspicious order monitoring?

23 MR. BUSH: Objection, but you
24 can answer.

1 A. No, only updating the SOP with what
2 was provided for the program.



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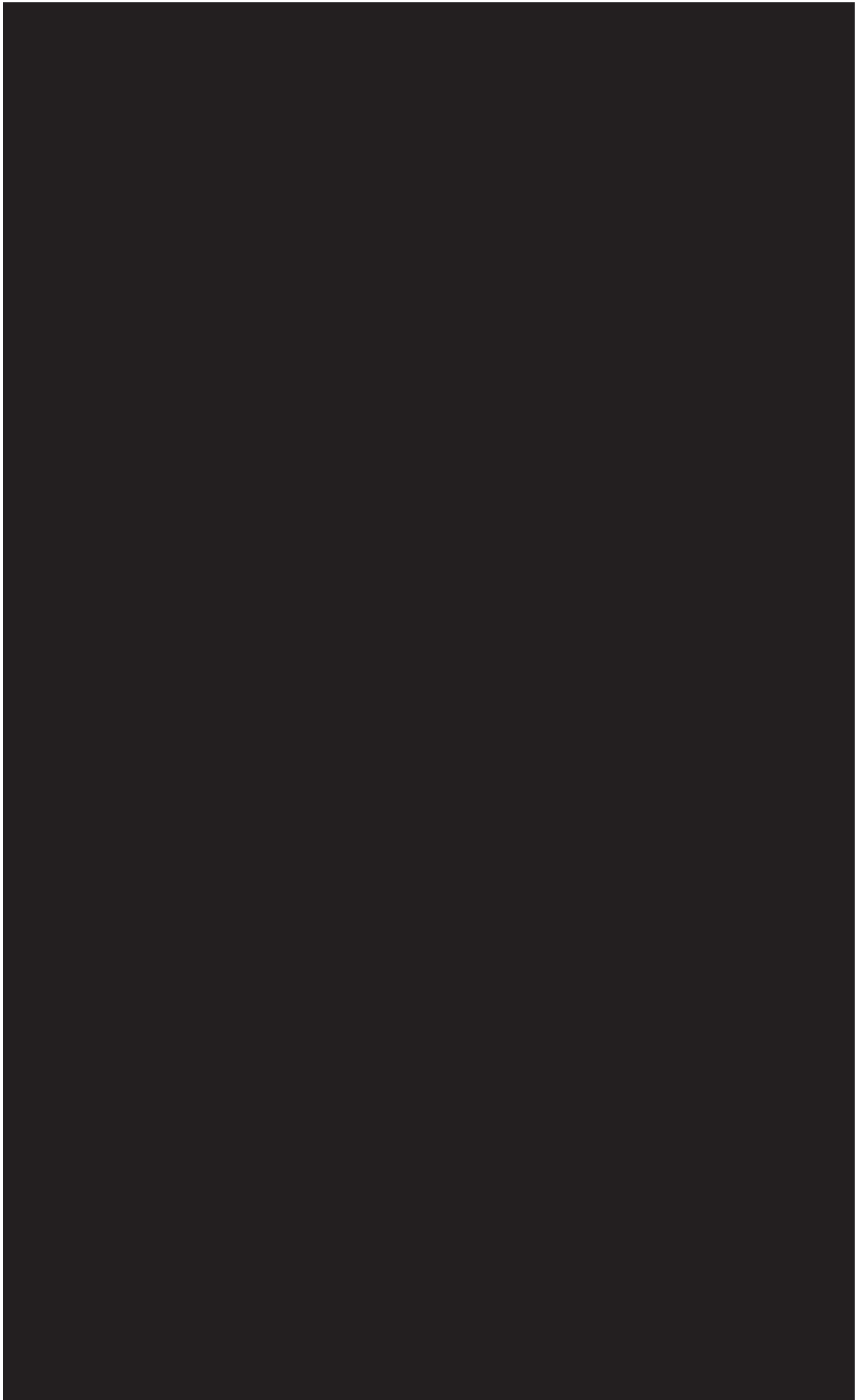
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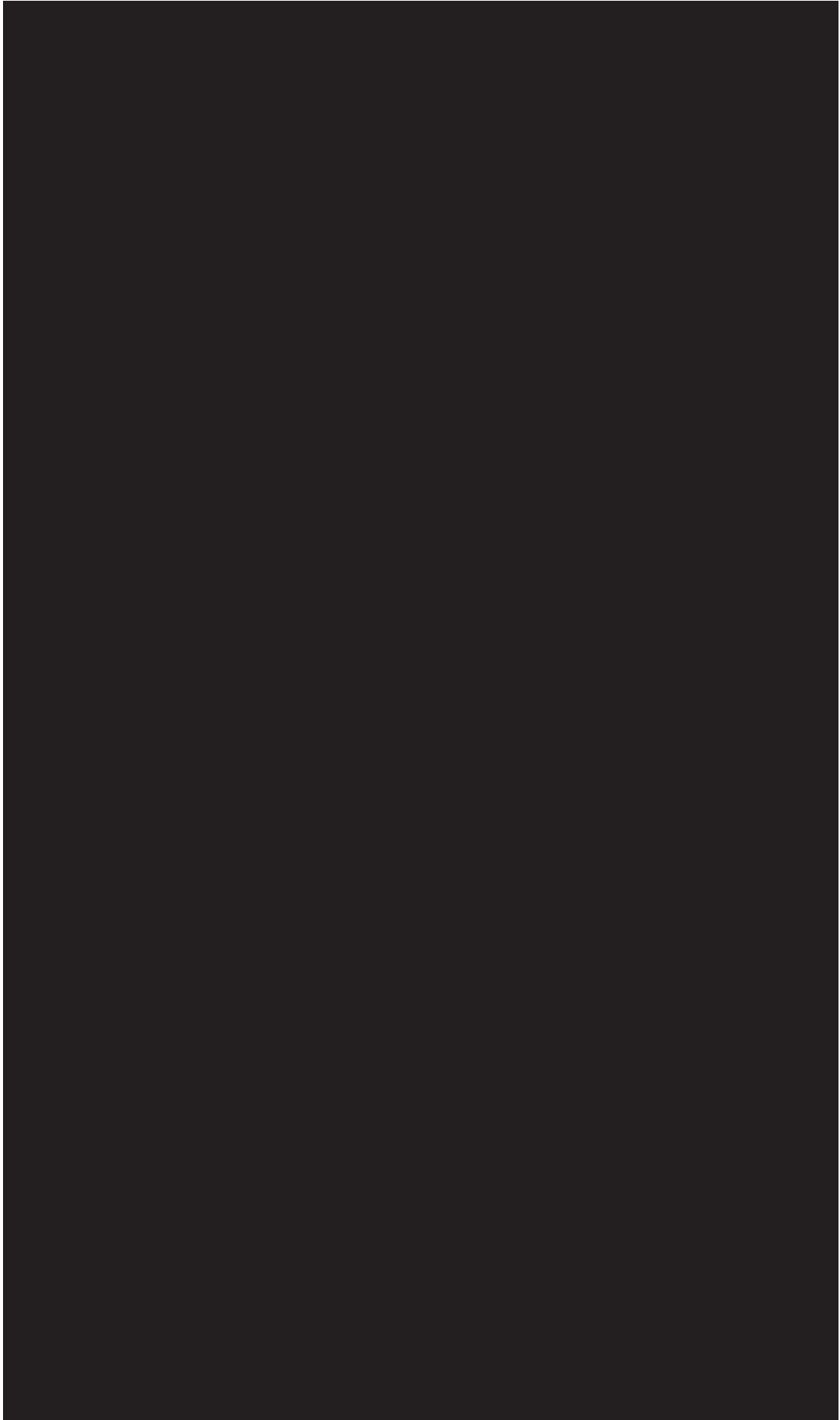
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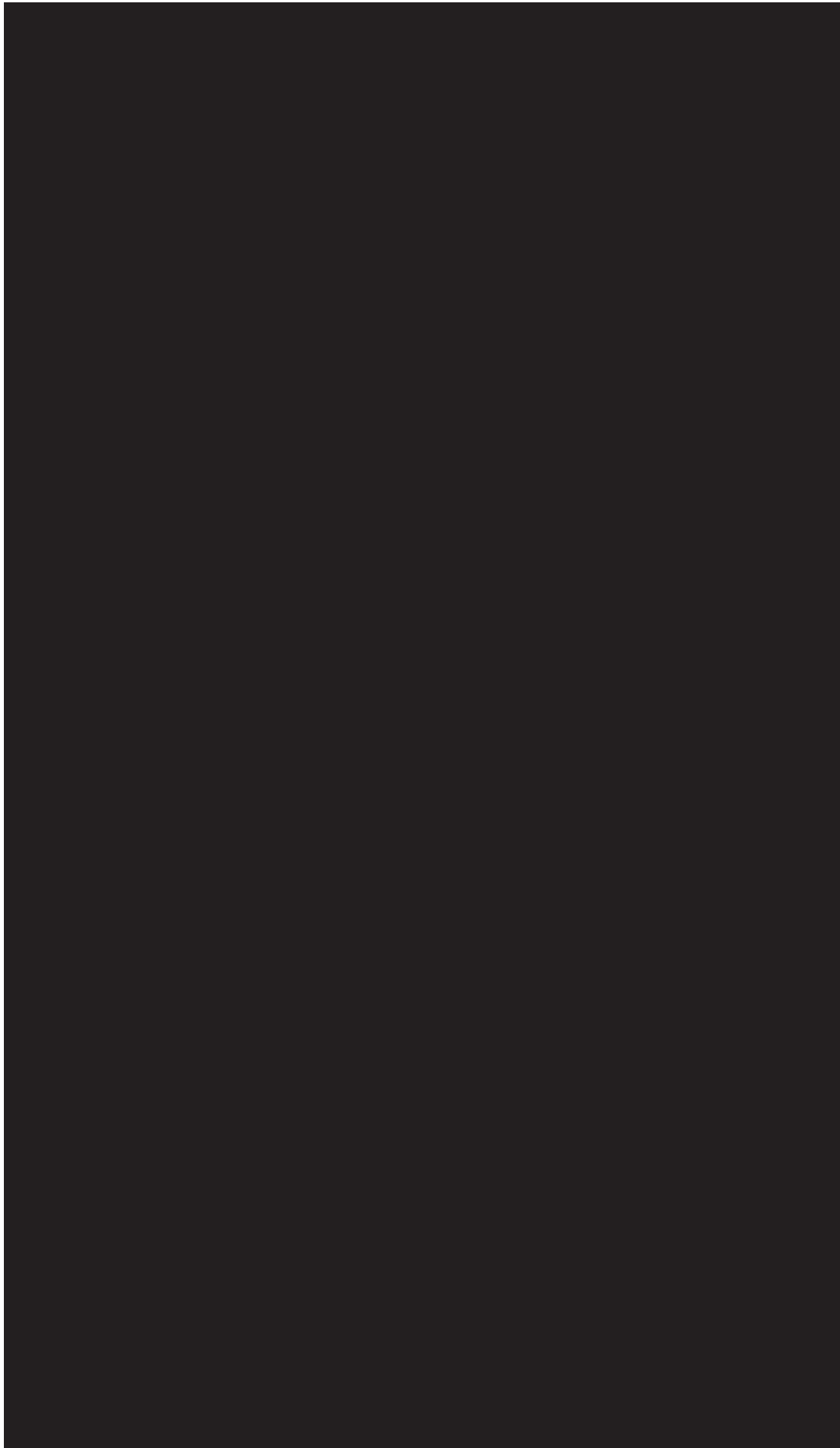
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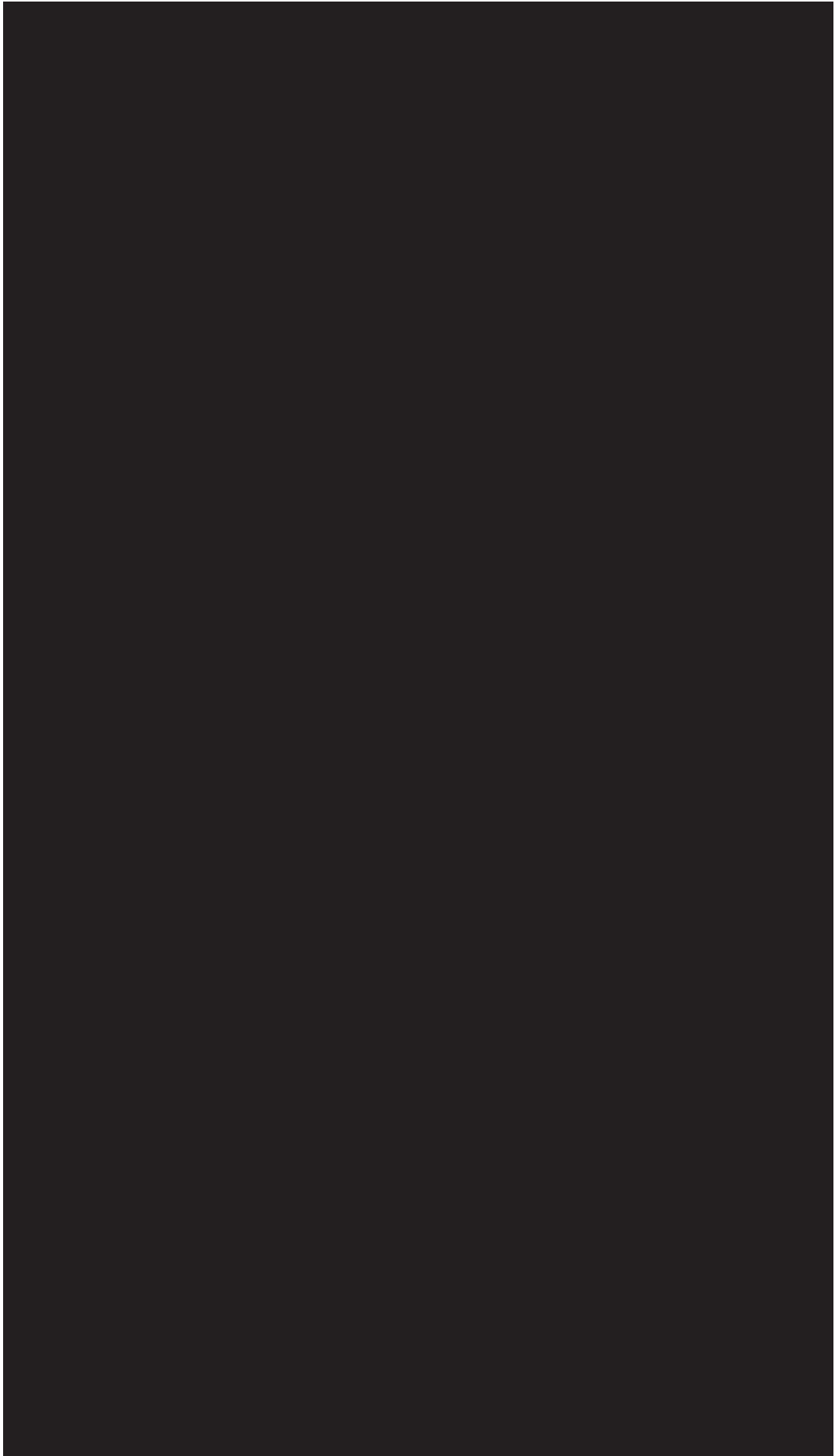
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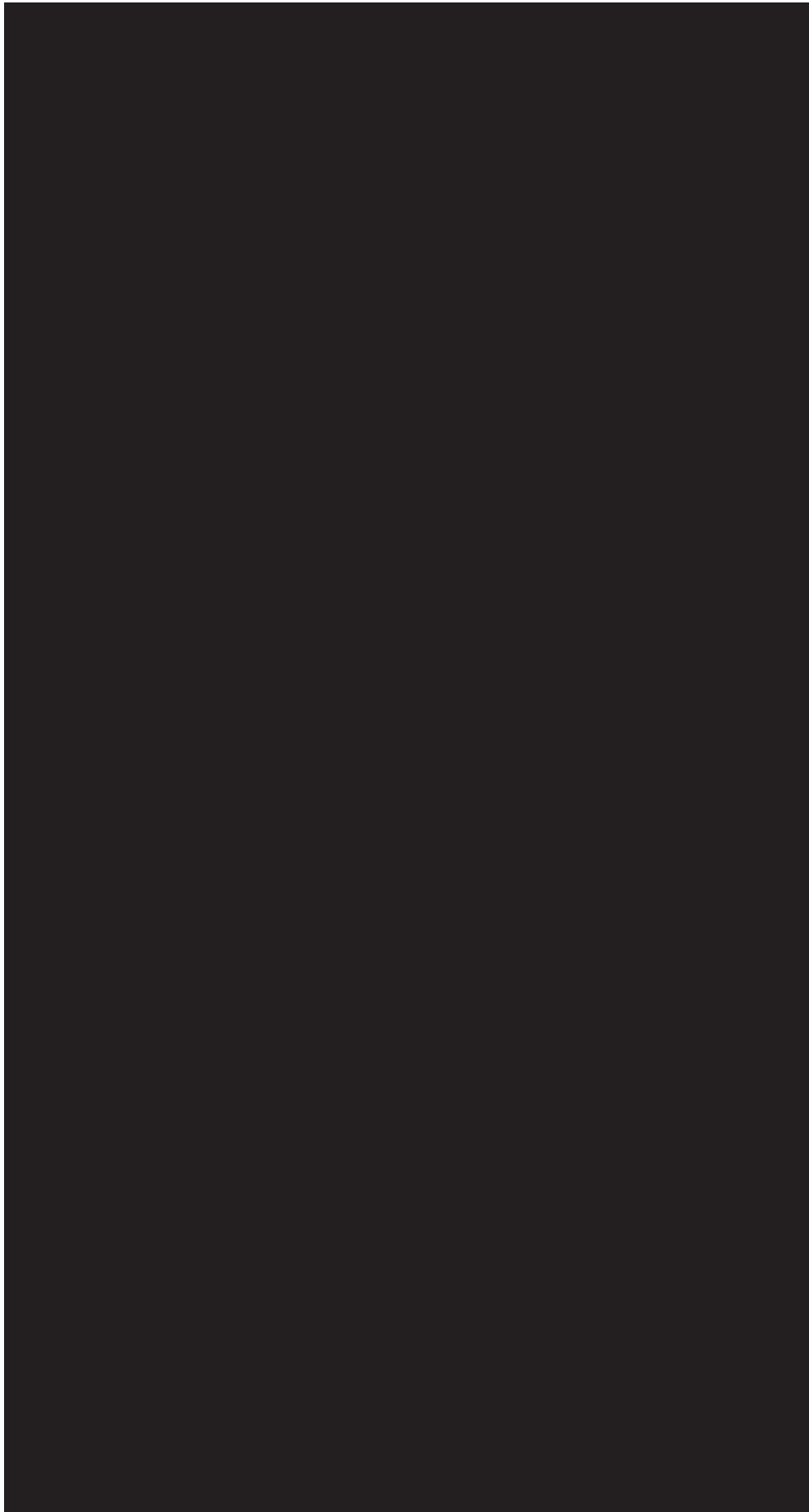
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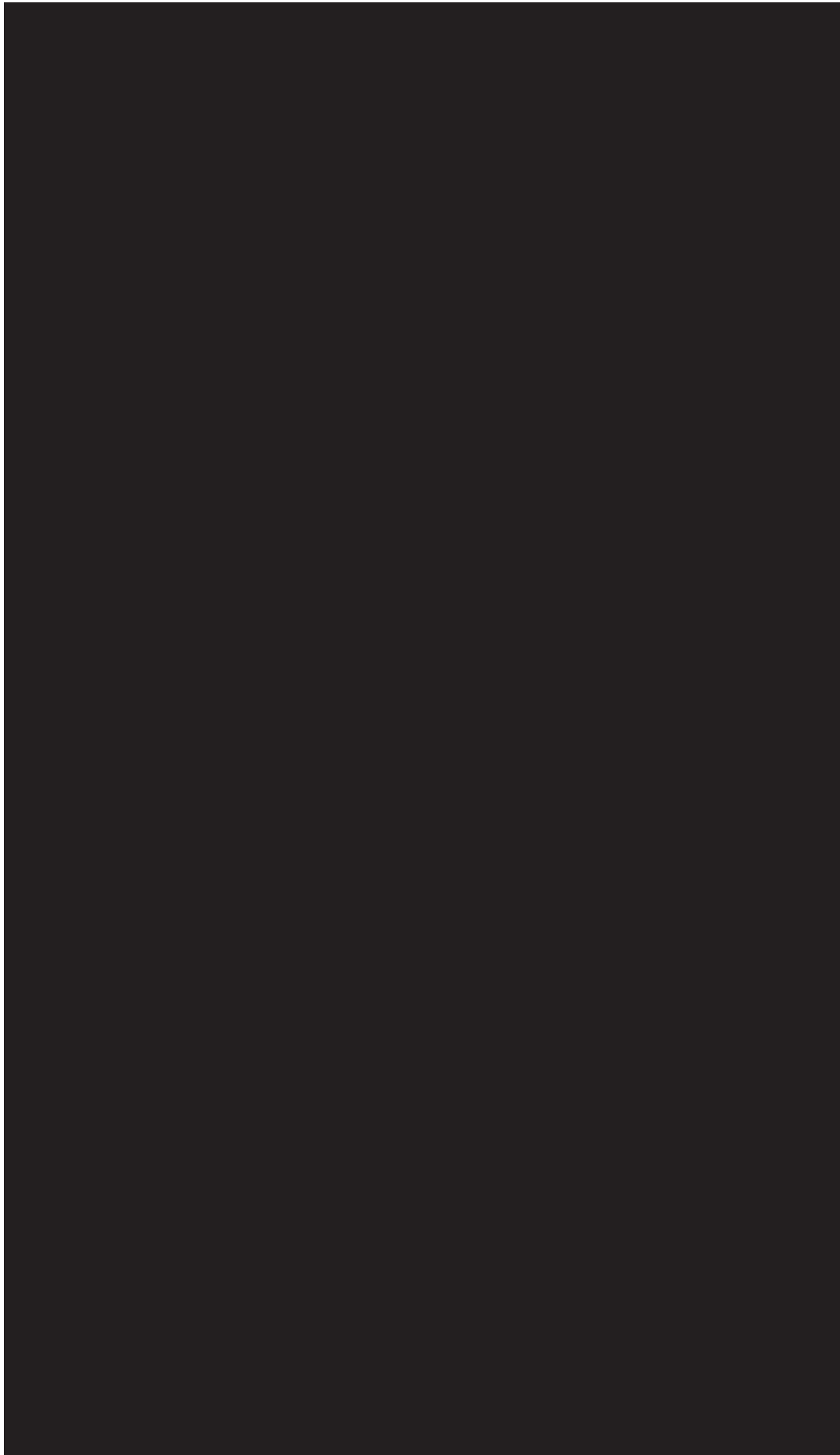
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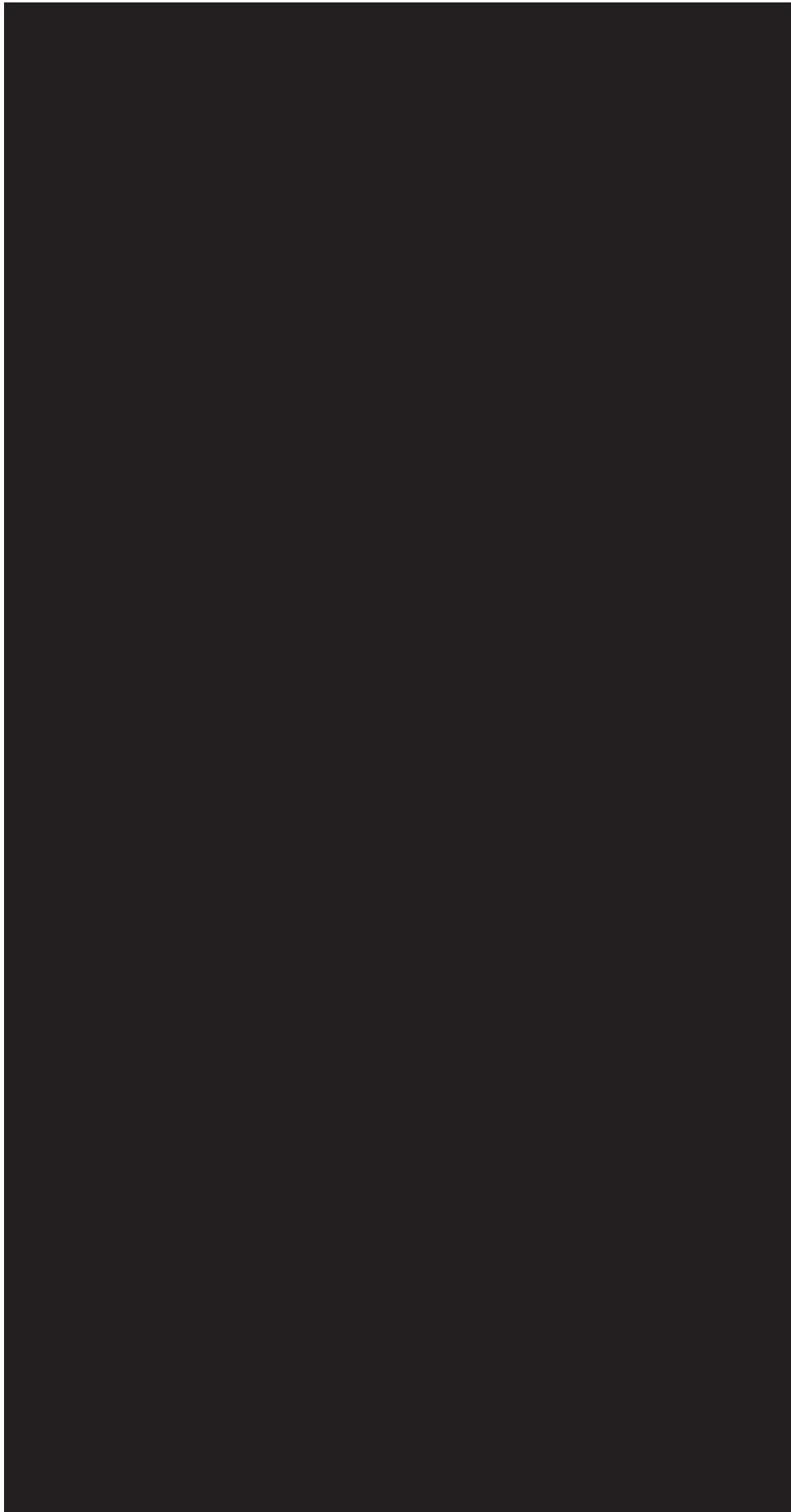
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16 Q. Okay. Well, let's just go over them,
17 if we could, beginning with the letter dated
18 September 26, of 2007. It talks about the
19 background on the first page. We go to
20 background and we'll go to Paragraph 2 and
21 talk about what the purpose of the Controlled
22 Substances Act is.

23 If you highlight under background --
24 Paragraph 2 starts with "thus CSA." We're

1 looking at the letter dated September 27,
2 2006. I'm going to read this to you and I
3 want you to tell me if I've accurately stated
4 what this letter says.

5 It says, "Background: The CSA was
6 designed by congress to combat diversion by
7 providing for a closed system of drug
8 distribution in which all legitimate handlers
9 of controlled substances must obtain a DEA
10 registration and as a condition of maintaining
11 such registration must take reasonable steps
12 to ensure that the registration is not being
13 utilized as a source of diversion."

14 Isn't that what it says?

15 A. Yes.

16 Q. So you know from reading this, you're
17 informed by reading this, that the purpose of
18 the Controlled Substances Act is, in part, to
19 prevent diversion of narcotics, correct?

20 MR. BUSH: Objection.

21 BY MR. BAKER:

22 Q. You know that from reading this,
23 right?

24 MR. BUSH: Objection.

1 A. (Witness reviews document.)

2 Yes. From reading this, it says that.

3 BY MR. BAKER:

4 Q. And this is something that was
5 available for you to read, whether you did or
6 not, when it was sent to you February 21 of
7 2008, correct?

8 A. I don't recall it.

9 Q. Go to the next page of that letter.
10 And about halfway down it begins with, "The
11 DEA regulations require." If you could
12 highlight that in the subparagraph right below
13 it.

14 This says, "The DEA regulations
15 require all distributors to report suspicious
16 orders of controlled substances, specifically
17 the regulations within 21 CFR 1301.74 B, the
18 registrant shall design and operate a system
19 to disclose to the registrant suspicious
20 orders of controlled substances. The
21 registrant shall inform the field division
22 office of the administration in his area of
23 suspicious orders when discovered by the
24 registrant. Suspicious orders include orders

1 of unusual size, orders deviating
2 substantially from a normal pattern, and
3 orders of unusual frequency."

4 That's what that letter says,
5 correct?

6 A. Yes.

7 Q. And so it gives you a clear definition
8 of what a suspicious order is, correct?

9 MR. BUSH: Objection.

10 A. It gives a definition, yes.

11 Q. Okay. And the definition that they
12 gave you is that suspicious orders include
13 orders of unusual size, orders deviating
14 substantially from a normal pattern, and
15 orders of unusual frequency, correct?

16 A. Correct.

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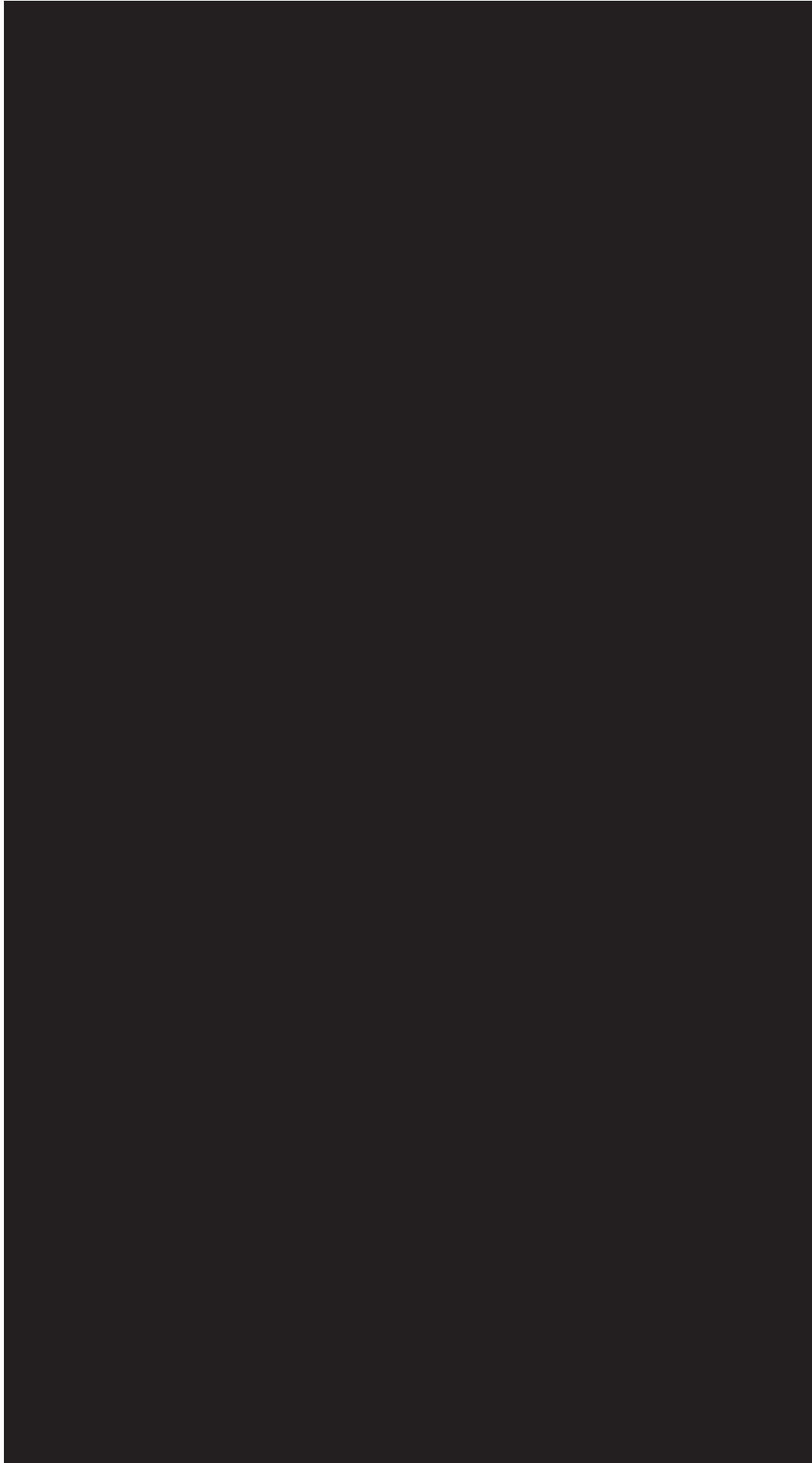
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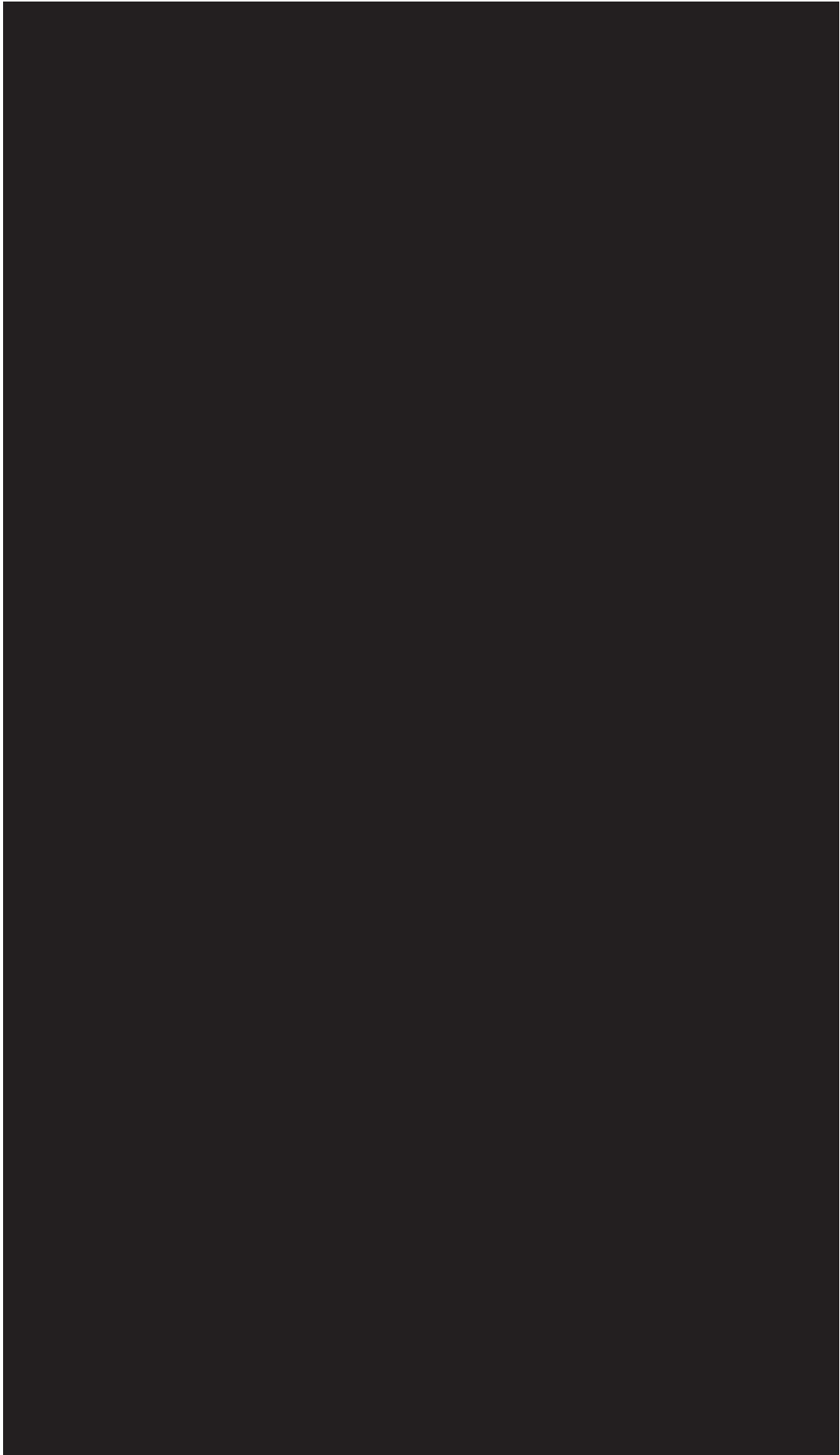
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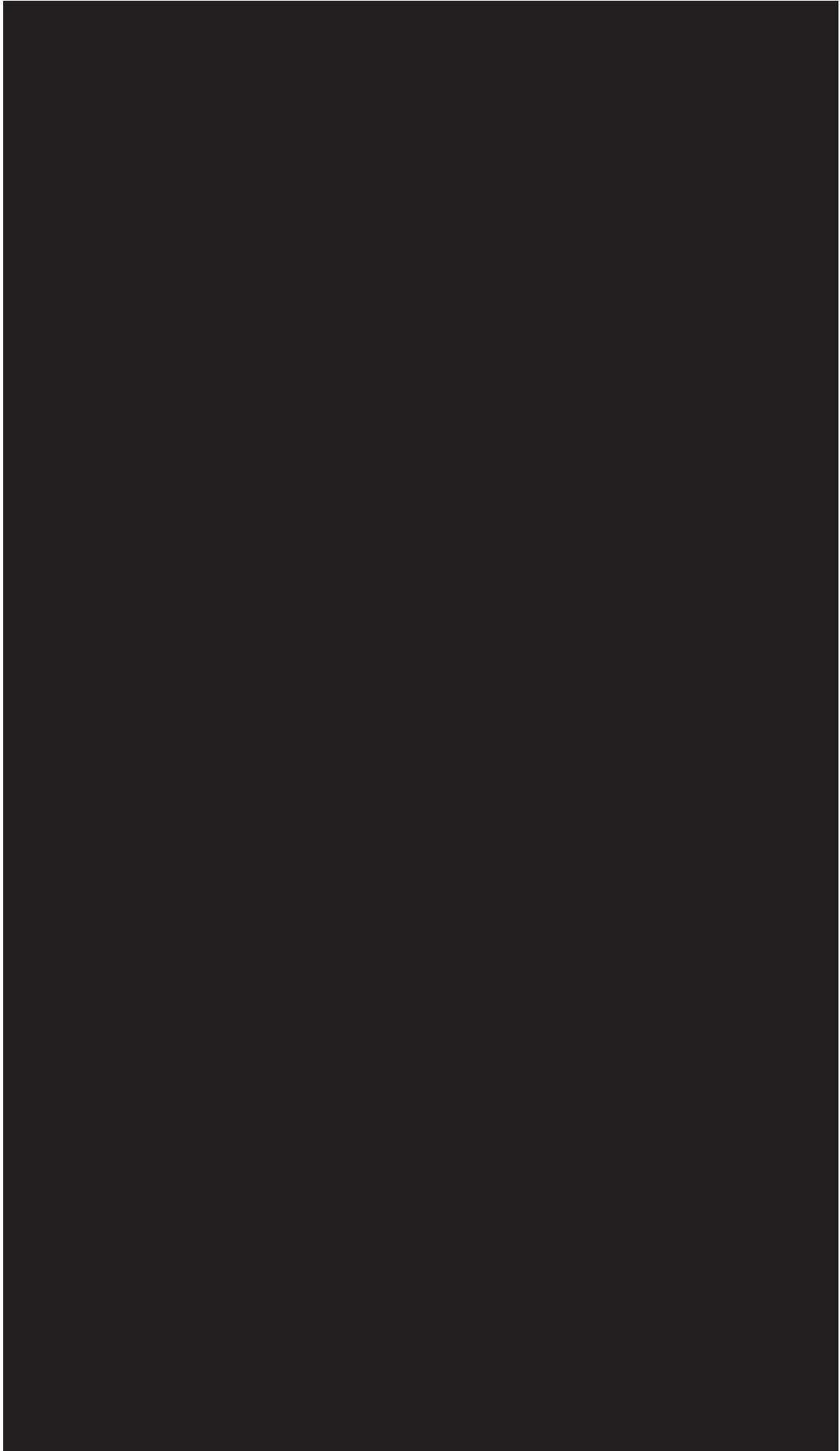
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15 Q. And what is VAWD?

16 A. Verified accredited wholesale
17 distributor.

18 Q. And the CVS distribution centers would
19 want to be VAWD certified, correct?

20 A. Correct.

21 Q. And that was a big deal, correct?

22 A. It was -- it was nice to have.

23 Q. And, in fact, some states, it's
24 necessary in order to distribute drugs. Are

1 you aware of that?

2 A. I'm not sure.

3 Q. Do you remember, in 2010, when CVS had
4 a problem with its VAWD certification?

5 A. I don't recall.

6 Q. Do you -- are you aware that VAWD
7 resurveys the facilities every three years?

8 A. Yes.

9 Q. And so if there was a survey in mid to
10 late 2010, we can assume that the earlier
11 survey was mid to late 2007, correct?

12 A. I would imagine, yes.

13 Q. I'm going to show you what's been
14 marked as Exhibit 203 and -- 223. And I
15 apologize, I only have two copies. I haven't
16 marked it.

17
18 (Exhibit No. 223 marked for
19 identification.)

20

21 VOICE: Is there a Bates number?

22 MR. GOETZ: There is a Bates
23 number, 66963.

24 VOICE: Thank you.

1 MR. BUSH: To 66966.

2 BY MR. GOETZ:

3 Q. Are you done reviewing it? Take your
4 time.

5 A. (Witness reviews document.)

6 Yeah.

7 Q. Did you have a chance to review
8 that?

9 A. I looked at it, yes.

10 Q. Do you recognize that document?

11 A. I don't recall it.

12 Q. It's an e-mail that you are copied on,
13 at least part of the string, correct?

14 A. Yes.

15 Q. And it's an e-mail related to the VAWD
16 recertification where CVS was having problems
17 with VAWD recertification, correct?

18 A. I don't know if it's problems, but it
19 talks about, yes, recertification.

20 Q. Well -- I'm sorry, did I cut you off?

21 A. No, no, I'm okay.

22 Q. If you -- let's -- instead of going
23 through all three pages, if you --

24 A. Yeah.

1 Q. -- look at 66965 --

2 A. Okay.

3 Q. -- there's an e-mail from Paul Hamby.

4 Do you know who Paul Hamby is?

5 A. I don't recall who he is.

6 Q. Do you know who Cegedim is?

7 A. I don't think that's how you say it,

8 but you've seen the name, yeah.

9 Q. Do you know how to say it?

10 A. I think they say it Cegedim, Cegedim

11 Dendrite.

12 Q. We've been call it CCS because I don't

13 know how to say it.

14 A. Don't worry.

15 Q. It's Paul Hamby to Frank Devlin. And

16 it says, "Hi, Frank. I understand you guys

17 may need some help with NABP/VAWD. I think I

18 understand from Ron you need assistance with

19 resolving some items to get your VAWD renewals

20 processed."

21 Did I read that correctly?

22 A. You did.

23 Q. Okay. And so that is the first e-mail

24 in this string that relates to some VAWD

1 issues that have to be resolved?

2 A. Uh-huh.

3 Q. Correct?

4 A. Yes.

5 Q. And the last e-mail of the string is
6 actually from Frank Devlin.

7 Do you see that?

8 A. The at the very top?

9 Q. Yes.

10 A. Yes.

11 Q. It's to Ron Link, correct?

12 A. Uh-huh, yes.

13 Q. And it says, "VAWD items," correct?

14 A. Yes.

15 Q. And it has an importance of high?

16 A. Yes.

17 Q. And if you're sending something to Ron
18 Link who's high up at CVS, it has to be
19 important if you're sending it high
20 importance. Do you agree?

21 A. I don't know if I disagree, so.

22 Q. Did you send much e-mail to Ron Link?

23 A. I've sent him e-mails. I can't recall
24 specifically how many or what they regarded,

1 but I did send him e-mails.

2 Q. It was unusual?

3 A. I don't know -- I wouldn't say if it
4 was unusual.

5 Q. Okay. It says -- this is what Frank
6 says: "Ron, we need to get our VAWD
7 recertification completed. Amy is continuing
8 to run into issues. I have enlisted Buzzeo's
9 group to work with her, Frank."

10 Can you tell me what issues you were
11 running into?

12 A. I don't recall.

13 Q. Do you remember that a report was
14 generated?

15 A. I remember they gave, like, a report.

16 Q. Okay. And do you remember what that
17 report said?

18 A. I don't recall.

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MR. GOETZ: That is all I have.

Thank you for clearing that up.

THE WITNESS: Oh, thank you.

MR. BUSH: Anybody else? All
done?

MR. BAKER: I'm done.

(Exhibit No. 62 marked for
identification.)

THE VIDEOGRAPHER: The time is
4:07 p.m. This deposition has concluded and
we are off the record.

(Deposition concluded at 4:07 p.m.)

CERTIFICATION

I, DARLENE M. COPPOLA, a Notary Public, do hereby
certify that AMY PROPATIER, after having satisfactorily
identifying herself, came before me on the 29th day of
November, 2018 in Providence, Rhode Island, Massachusetts,
and was by me duly sworn to testify to the truth and
nothing but the truth as to her knowledge touching and
concerning the matters in controversy in this cause; that
she was thereupon examined upon her oath and said
examination reduced to writing by me; and that the
statement is a true record of the testimony given by the
witness, to the best of my knowledge and ability.

I further certify that I am not a relative or
employee of counsel/attorney for any of the parties, nor a
relative or employee of such parties, nor am I financially
interested in the outcome of the action.

WITNESS MY HAND THIS 2nd day of December, 2018.

DARLENE M. COPPOLA

My commission expires:

NOTARY PUBLIC

November 11, 2022

REGISTERED MERIT REPORTER

CERTIFIED REALTIME REPORTER

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4
5

6 *****

7 IN RE:
8 NATIONAL PRESCRIPTION OPIATE
 LITIGATION
9

10 This document relates to:

11 All cases

12 *****

13 I, AMY PROPATIER, say that I have read the
14 foregoing deposition and hereby declare under penalty of
15 perjury the foregoing is true and correct:
16 (as prepared) (as corrected on errata.)

17 Executed this _____ day of _____ 20____,
18 at _____, _____.

19

20

21

22

23

24

AMY PROPATIER

1 CORRECTION PAGE

2 DEPONENT: AMY PROPATIER

3 DATE TAKEN: NOVEMBER 29, 2018

4 CASE: NATIONAL PRESCRIPTION OPIATE LITIGATION

5 *****

6 PAGE / LINE / SHOULD READ/REASON

7 ____/____/_____

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